

REMARKS

Applicants respectfully request reconsideration of this application, as amended, and reconsideration of the Office Action mailed September 5, 2003. Upon entry of this amendment, claims 1-16 and 24-30 will be pending in this application.

In the specification, the abstract has been amended in accordance with the Examiner's request.

The Examiner has rejected claim 1 under 35 USC § 112 based on an insufficient antecedent basis for "potassium bitartrate" and "calcium chloride," and requested the applicant to insert the word "a" before each of these compounds.

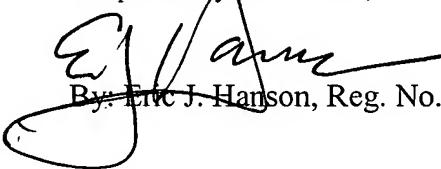
Applicant respectfully requests that the Examiner withdraw this rejection as both "potassium bitartrate" and "calcium chloride" are particular compounds and an antecedent basis is not required. Pursuant to MPEP § 706.03(d), a lack of antecedent basis is only applicable where no preceding basis is provided for a limitation that includes "the" or "said." The cited limitations of claim 1 do not reference any preceding limitation, and the names "potassium bitartrate" and "calcium chloride" are the actual names to properly identify such compounds. Insertion of the article "a" before each of the compound names would denote an unspecified compound, but the compound's name specifically identifies the compound. As such amendment would, in fact, improperly identify the compounds and result in confusion, an indefinite claim under 35 USC § 112 would result. Applicant therefore respectfully submits that claim 1, as presented, is proper, and the Examiner's rejection should be withdrawn.

If any additional fees are due in connection with the filing of this Amendment or the accompanying papers, please charge the fees to SGR Deposit Account No. 02-4300, Order No.

Appl. No. 10/060,928
Amdt. Dated Dec. 31, 2003
Reply to Office Action of Sept. 5, 2003

041183.003. If an additional extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee should also be charged to SGR Deposit Account No. 02-4300, Order No. 041183.003. Any overpayment can be credited to Deposit Account No. 02-4300, Order No. 041183.003.

Respectfully submitted,


By: Eric J. Hanson, Reg. No. 44,738

Dated: December 31, 2003
SMITH, GAMBRELL & RUSSELL, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Telephone: (404) 815-3706
Facsimile: (404) 685-7006